IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

THURSDAY, THE 5TH JULY 2007 / 14TH ASHADHA 1929

OP.No. 34273 of 2000(E)

PETITIONER:

T.VELAPPAN, S/O.A.THONUVAN
AGED 66, MOOLAKUZHI PUTHEN VEEDU,
VALIYARTHALA, MUCHA P.O.,
MALAYINKIL, TRIVANDRUM.

BY ADV. SRI.G.S.REGHUNATH

RESPONDENTS:
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1. **STATE OF KERALA, REP.BY THE SECRETARY (FINANCE), SECRETARIAT, THIRUVANANTHAPURAM.**

2. **PRINCIPAL SECRETARY TO GOVERNMENT, HIGHER EDUCATION DEPARTMENT, THIRUVANANTHAPURAM.**

3. **DIRECTOR OF PRINTING GOVERNMENT CENTRAL PRESS, THIRUVANANTHAPURAM.**

4. **ACCOUNTANT GENERAL, ACCOUNTANT GENERAL'S OFFICE, THIRUVANANTHAPURAM**

BY GOVERNMENT PLEADER SRI.V.T.K.MOHANAN

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 05/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP. NO.58573/2000 IN OP. NO.34273/2000

CLOSED

05.07.2007 SD/- T.R.RAMACHANDRAN NAIR, JUDGE

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE G.O.(RT) NO.586/87/H.EDN. DT. 9.3.87.

EXT.P2:- COPY OF THE DT. 17.11.86 OF THE 3RD RESPONDENT.

EXT.P3:- COPY OF THE G.O.(P) 98/98(192)/ FIN DT. 8.2.88.

EXT.P4:- COPY OF THE ORDER DT. 28.6.89.

EXT.P5:- COPY OF THE REPRESENTATION DT. 11.4.99 SUBMITTED BY THE PETITIONER.

EXT.P6:- COPY OF THE PAY REVISION ORDER DT. 6.4.92.

EXT.P7:- COPY OF THE REPRESENTATION DT. 3.5.99 SUBMITTED BY THE PETITIONER.

EXT.P8:- COPY OF THE ORDER DT. 20.2.2000.

EXT.P9:- COPY OF THE RELEVANT PAGE OF THE PENSION BOOK.

/TRUE COPY/

tss

T.R.RAMACHANDRAN NAIR, J.

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O.P.No. 34273 of 2000 (E)

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Dated this the 5th day of July, 2007

J U D G M E N T

The petitioner has filed this original petition seeking to quash Ext.P8 order passed by the third respondent, the Director of Printing. His main grievance relates to the fixation of pay, as well as the benefit of higher grades eligible to him.

2. The petitioner entered service in the printing department as Lower Division Binder on 05/04/1954 and he was promoted as Upper Division Binder from 01/07/1968. He was given 13 years grade promotion on 01/07/1987 in the scale of pay of Rs.420-720. According to the petitioner, even though he was entitled for 20 years grade promotion on 31/06/1988, it was granted only on 28/06/1989, as per G.O.(Rt) No.1155/89/H.Edn. dated 28/06/1989. And, he has not been allowed the scale of pay of U.D.Binder and fixation of pay in that scale. According to him, the benefits of pay revision order of 1968, revised option benefits

from 07/07/1968 and entitled increments in U.D.Cadre have also not been sanctioned to him. He is seeking for refixation of pay on the above basis also. This will therefore make him eligible for revision of pension and other benefits.

3. This state of affairs resulted in the petitioner submitting a representation to the third respondent on 06/10/1986, which was forwarded by the third respondent to the Government with a covering letter, Ext.P2, for favourable consideration. He was granted second higher grade in the post of Senior Grade Binder with effect from 01/07/1988, as per order Ext.P4.

4. The petitioner has produced Ext.P7 representation, which was filed before the first respondent Government detailing his grievances. But, while that was pending, the third respondent Director has passed Ext.P8 order. According to the petitioner, the same has been issued without considering his claim. He has got a further complaint that in the service book, instead of the date of entry as 05/04/1954, it is wrongly recorded as

21/05/1957. In Ext.P7 he has prayed before the Government to call for the records including service book and issue necessary orders to review the fixation of his pay from 1968 to 1989, on the basis of relevant orders and also to revise the pension.

5. The dispute raised by the petitioner is with respect to the pay fixation, his eligibility for higher grade benefits on the due dates and also the revision of those benefits as there are other complaints also raised by him in Ext.P7. Even though, his representation, Ext.P7, was filed before the Government, it appears that the third respondent has passed an order, as per Ext.P8.

Therefore, the remedy of the petitioner is to challenge Ext.P8 before the Government by way of an appeal or a representation. If the petitioner files the same within a period of six weeks from today detailing his grievances, the Government shall pass appropriate orders, after hearing the petitioner also,

within a period of four months from the date of receipt of a copy of the appeal/representation, as the case may be.

With the above directions, this original petition is disposed of.

T.R.RAMACHANDRAN NAIR,
Judge

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T.R.RAMACHANDRAN NAIR, J.

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O.P.No. 34273 of 2000 (E)

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J U D G M E N T

5th July, 2007